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APPLICATION NO.	F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/605,516	10/605,516 10/05/2003		Igor V. Touzov	2515		
34185	7590 05/01/2006			EXAM	EXAMINER	
IGOR V T	OUZOV		PHAM,	PHAM, HOA Q		
311 CASTL		E DRIVE	ART UNIT	PAPER NUMBER		
CARY, NC	2/319		2877			
			DATE MAILED: 05/01/2006			

Please find below and/or attached an Office communication concerning this application or proceeding.

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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of turn may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filled to the provision of 12 CFR 1.136(a). In or event, however, may a reply be timely filled or the provision of the content of the provision of t		Application No.	Applicant(s)					
Hos Q. Pham    Hos Q. Pham   Like   L	0.65	10/605,516	TOUZOV, IGOR V.					
— The MALING DATE of this communication appears on the cover sheet with the correspondence address—Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Extentions of ten may be available under the provision of 37 CFR 1.1360, in no revent, however, may a reply be telinally field  8 NO period for reply is specified above, the maximum statutory period will apply and will expire SK (6) MONTHS from the mailing date of this communication.  Failure to reply which the size or excited period for reply is specified above, the maximum statutory period will apply and will expire SK (6) MONTHS from the mailing date of this communication.  Failure to reply which the size or excited period for reply will, by status, case the application become ABMONDED (3) 18 .C. § 130).  Arrangly received by the Office later than these months when the mailing date of this communication, even if similarly filed, may reduce any search period of the communication of the mailing date of this communication, even if similarly filed, may reduce any search period of the communication of the mailing date of this communication.  10 This action is FINAL.  20 This action is non-final.  21 This action is FINAL.  22 This action is non-final.  22 Estatus  23 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  23 Estatus  24 Estatus from the period of the protection of a lower from consideration.  43 Of the above claim(s) is/are epided.  54 Estatus from the period of the protection and/or election requirement.  44 Estatus from the period of the protection of the drawing(s) be held in abeyance. See 37 CFR 1.155(a).  45 Estatus from the period of the protection of the protection is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11 The drawing(s) filed on isologically stateme	Office Action Summary	Examiner	Art Unit					
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## Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-12 and 15, drawn to a method and apparatus for measuring the characteristic of a body comprises steps of (1) digital acquisition of some fragments of image from video source at first moment of time; (2) digital acquisition of same fragments of image from video source at second moment of time; (3) comparison of individual image fragment taken at first moment of time with individual image fragment taken at second moment of time for the same fragment, wherein said comparison uses at least one pixel from said first image fragment and at least one different pixel from said second image fragment, classified in class 356, subclass 625.
- II. Claims 13-14, drawn to a method of controlling operations of plurality of micromechanical or micro electro-mechanical elements representing parts of single device, classified in class 359, subclass 290.
- III. Claims 16-18, drawn to a method of creation of controlled deformation of micro cantilevers, classified in class 73, subclass 862.39.
- IV. Claims 19-20, drawn to a method for generation of resonance oscillation of micro cantilever element, classified in class 73, subclass 61.49.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I (claims 1-12 and 15) and II (claims 13-14) are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination

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as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the omission of details of the claimed subcombination (B<sub>sp</sub>) in the combination (AB<sub>br</sub>) is evidence that the patentability of the combination does not rely on the details of the specific subcombination. The subcombination has separate utility such as in an interferometer or an optical disc device.

- 3. Inventions III, IV and (I and II) are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, the different inventions (I and II), III and IV have different modes of operation and effects.
- 4. Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.
- 5. Because these inventions are independent or distinct for the reasons given above and the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.
- 6. Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

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7. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoa Q. Pham whose telephone number is (571) 272-2426. The examiner can normally be reached on 7:30AM to 6 PM, Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory J. Toatley, Jr. can be reached on (571) 272-2800 ext. 77. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hoa Q. Pham Primary Examiner Art Unit 2877

HP April 24, 2006